

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ARTHUR HARRIGER,

Petitioner,

v.

Case No. 20-12120

Hon. Thomas L. Ludington

WILLIS CHAPMAN,

Respondent.

**ORDER TRANSFERRING SUCCESSIVE PETITION FOR WRIT OF
HABEAS CORPUS TO THE UNITED STATES COURT OF APPEALS FOR
THE SIXTH CIRCUIT**

Michigan prisoner Arthur Harriger, (“Petitioner”), has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. In 1991, Petitioner was convicted following a jury trial in the Luce Circuit Court of first-degree murder, MICH. COMP. LAWS § 750.316, and he was sentenced to life in prison.

In 2009, Petitioner filed a federal habeas petition in the Western District of Michigan challenging his state conviction. The Court dismissed the petition with prejudice because it was filed after expiration of the statute of limitations. *Harriger v. Woods*, Case No. 2:09-cv-191, 2009 U.S. Dist. LEXIS 109201 (W.D. Mich. Nov. 23, 2009).

Petitioner’s current petition constitutes his second bid for federal habeas corpus relief. Federal district courts lack jurisdiction to consider successive habeas petitions absent preauthorization from the court of appeals. *Franklin v. Jenkins*, 839 F.3d 465, 473 (6th Cir. 2016) (citing 28 U.S.C. § 2244(b)(3)); *Felker v. Turpin*, 518 U.S.

651, 664 (1996). When a habeas petitioner files a second or successive habeas petition in the district court without preauthorization, the district court must transfer the case to the court of appeals. *See* 28 U.S.C. § 1631; *Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, it is **ORDERED** that the Clerk of the Court shall **TRANSFER** this case to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. §1631 for a determination of whether Petitioner may file a successive petition.

Dated: August 12, 2020

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served **Arthur Harriger #167717**, THUMB CORRECTIONAL FACILITY, 3225 JOHN CONLEY DRIVE, LAPEER, MI 48446 by first class U.S. mail on August 12, 2020.

s/Kelly Winslow
KELLY WINSLOW, Case Manager